

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF PUBLIC HEARING
amendment of ARM 17.8.101,) ON PROPOSED AMENDMENT
17.8.102, 17.8.103, 17.8.106,))
17.8.110, 17.8.302, 17.8.401,))
17.8.402, 17.8.801, 17.8.802,) (AIR QUALITY)
17.8.818, 17.8.819, 17.8.821,))
17.8.901, 17.8.902, 17.8.905,))
17.8.1002, 17.8.1201,))
17.8.1202, 17.8.1204,))
17.8.1206, 17.8.1212,))
17.8.1213, 17.8.1214,))
17.8.1220, 17.8.1224,))
17.8.1226, and 17.8.1232,))
pertaining to definitions and)
incorporation by reference of)
current federal regulations)
and other materials into air)
quality rules)

TO: All Concerned Persons

1. On January 29, 2003, at 10:30 a.m., the Board of Environmental Review will hold a public hearing in Room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Board will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board no later than 5:00 p.m., January 20, 2003, to advise us of the nature of the accommodation that you need. Please contact the Board Secretary at P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2544; fax (406) 444-4386; or email ber@state.mt.us.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

17.8.101 DEFINITIONS As used in this chapter, unless indicated otherwise in a specific subchapter, the following definitions apply:

(1) remains the same.

(2) "Air pollutants" ~~means 1 or more air contaminants that are present in the outdoor atmosphere~~ has the meaning

provided in 75-2-103(3), MCA.

(3) through (7) remain the same.

(8) "Boiler or industrial furnace" means any source or emitting unit that is subject to the provisions of 75-10-405(2)(f) and 75-10-406, MCA, and rules promulgated thereunder defining the class of activities subject to regulation under those sections, found at ARM 17.54.1101 Title 17, chapter 53, subchapter 10.

(9) ~~"Commercial hazardous waste incinerator" means an incinerator that burns hazardous waste, or a boiler or industrial furnace. The term "commercial hazardous waste incinerator" does not include a research and development facility that receives federal or state research funds and that burns hazardous waste primarily to test and evaluate waste treatment remediation technologies~~ has the meaning provided in 75-2-103(6), MCA.

(10) and (11) remain the same.

(12) ~~"Emission" means release of air contaminants into the ambient air~~ has the meaning provided in 75-2-103(8), MCA.

(13) through (18) remain the same.

(19) "Hazardous air pollutant (HAP)" means any air pollutant listed as a hazardous air pollutant pursuant to section ~~7412(b)(1)~~ 112(b)(1) of the FCAA.

(20) ~~"Hazardous waste" means a substance defined as hazardous waste under either 75-10-403, MCA, or administrative rules found at ARM Title 17, chapter 54, subchapter 3, or a waste containing 2 parts or more per million of polychlorinated biphenyl~~ has the meaning provided in 75-2-103(10), MCA.

(21) remains the same.

(22) ~~"Incinerator" means any single or multiple chambered combustion device which burns combustible material, alone or with a supplemental fuel or catalytic combustion assistance, primarily for the purpose of removal, destruction, disposal, or volume reduction of all or any portion of the input material.~~

~~(a) Incinerators do not include:~~

~~(i) safety flares used for combustion or disposal of hazardous or toxic gases at industrial facilities such as refineries, gas sweetening plants, oil and gas wells, sulfur recovery plants, or elemental phosphorus plants;~~

~~(ii) space heaters burning used oil;~~

~~(iii) wood-fired boilers; or~~

~~(iv) wood waste burners such as tepee, wigwam, truncated cone or silo burners~~ has the meaning provided in 75-2-103(11), MCA.

(23) ~~"Medical waste" means any waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in medical research on humans or animals, or in~~

~~the production or testing of biologicals. The term includes:~~

- ~~(a) cultures and stocks of infectious agents;~~
- ~~(b) human pathological wastes;~~
- ~~(c) waste human blood or products of human blood;~~
- ~~(d) sharps;~~
- ~~(e) contaminated animal carcasses, body parts, and bedding that were known to have been exposed to infectious agents during research;~~
- ~~(f) laboratory wastes and wastes from autopsy or surgery that were in contact with infectious agents; and~~
- ~~(g) biological waste and discarded material contaminated with blood, excretion, exudates, or secretions from humans or animals~~ has the meaning provided in 75-2-103(12), MCA.

~~(24) through (29) remain the same.~~

~~(30) "Person" means any individual, partnership, firm, association, municipality, public or private corporation, the state or a subdivision or agency of the state, trust, estate, interstate body, federal government or an agency of the federal government, or any other legal entity~~ has the meaning provided in 75-2-103(13), MCA.

~~(31) through (35) remain the same.~~

~~(36)(a) "Solid waste" means all putrescible and non-putrescible solid, semi-solid, liquid, or gaseous wastes, including but not limited to garbage; rubbish; refuse; ashes; swill; food wastes; commercial or industrial wastes; medical waste; sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction, demolition or salvage wastes; dead animals, dead animal parts, offal, animal droppings, or litter; discarded home and industrial appliances; automobile bodies, tires, interiors, or parts thereof; wood products or wood byproducts and inert materials; styrofoam and other plastics; rubber materials; asphalt shingles; tarpaper; electrical equipment, transformers, insulated wire; oil or petroleum products, or oil or petroleum products and inert materials; treated lumber and timbers; and pathogenic or infectious waste.~~

~~(b) "Solid waste" does not mean municipal sewage, industrial wastewater effluent, mining wastes regulated under the mining and reclamation laws administered by the department, or slash and forest debris regulated under laws administered by the department of natural resources.~~

~~(c) This definition of "solid waste" is only applicable to the regulation of incinerators under the Montana Clean Air Act, Title 75, chapter 2, MCA, and regulations adopted pursuant Thereto~~ has the meaning provided in 75-2-103(16), MCA.

~~(37) through (42) remain the same.~~

~~(43) The definitions contained in 75-2-103, MCA, are~~

~~applicable where appropriate.~~

AUTH: 75-2-111, MCA

IMP: Title 75, chapter 2, MCA

17.8.102 INCORPORATION BY REFERENCE--PUBLICATION DATES AND AVAILABILITY OF REFERENCED DOCUMENTS (1) Unless expressly provided otherwise, in this chapter where the board has:

(a) adopted a federal regulation by reference, the reference is to the July 1, ~~2001~~ 2002, edition of the Code of Federal Regulations (CFR);

(b) remains the same.

(c) referred to a section of the Montana Code Annotated (MCA), the reference is to the ~~1999~~ 2001 edition of the MCA;

(d) adopted another rule of the department or of another agency of the state of Montana by reference, the reference is to the December 31, ~~2001~~ 2002, edition of the Administrative Rules of Montana (ARM).

AUTH: 75-2-111, MCA

IMP: Title 75, chapter 2, MCA

17.8.103 INCORPORATION BY REFERENCE (1) For the purposes of this subchapter, the board hereby adopts and incorporates ~~herein~~ by reference the following:

(a) 40 CFR Part 50, Appendix B, ~~which contains~~ pertaining to the reference method for the determination of suspended particulate matter in the atmosphere (high-volume method);

(b) 40 CFR Part 50, Appendix J, ~~which contains~~ pertaining to reference methods for the determination of particulate matter as PM-10 in the atmosphere;

(c) 40 CFR Part 51, Appendix M, ~~which sets forth EPA reference emission source test methods for state programs to use in developing and implementing state implementation plans, including alternative methods for testing PM-10 emissions~~ pertaining to recommended test methods for state implementation plans;

(d) 40 CFR Part 51, Appendix P, ~~which sets forth~~ pertaining to EPA minimum emission monitoring requirements;

(e) 40 CFR Part 52, subpart BB, ~~which sets forth~~ pertaining to the implementation plan for control of air pollution in Montana;

(f) 40 CFR Part 53, ~~which pertains~~ pertaining to ambient air monitoring reference methods and equivalent methods;

(g) 40 CFR Part 60, Appendix A, ~~which sets forth~~ pertaining to EPA ~~reference~~ emission source reference test

methods for stationary sources, ~~including test method 9, which sets forth a method for visual determination of the opacity of emissions from stationary sources;~~

(h) ~~40 CFR Part 60, Appendix B, which sets forth pertaining to EPA performance specification and test procedures for continuous emission monitoring systems, including performance specification 1, which sets forth specifications and test procedures for opacity continuous emission monitoring systems in stationary sources;~~

(i) ~~40 CFR Part 61, Appendix B, which sets forth pertaining to EPA reference emission source reference test methods for sources subject to national emission standards for hazardous air pollutants;~~

(j) ~~40 CFR Part 63, which sets forth general requirements and pertaining to emission standards for hazardous air pollutant source categories;~~

~~(k)~~ (o) the Montana Source Testing Protocol and Procedures Manual (July 1994 ed.), ~~which is a department manual setting forth pertaining to sampling and data collection, recording, analysis and transmittal requirements; and~~

~~(l)~~ (p) the Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I: A Field Guide to Environmental Quality Assurance (EPA-600/R-94/038a, revised April 1994); Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II: Part 1 Ambient Air Quality Monitoring Program Quality System Development (EPA-454/R-98/004, revised August 1998); Quality Assurance Handbook for Air Pollution Measurement Systems, Volume III: Stationary Source Specific Methods (EPA-600/R-94/038c, revised September 1994); and Quality Assurance Handbook for Air Pollution Measurement Systems, Volume IV: Meteorological Methods (EPA-600/R-94/038d, revised March 1995), ~~which is a federal agency manual and regulations setting forth pertaining to sampling and data collection, recording, analysis and transmittal requirements.~~

~~(m)~~ (n) section 112(b)(1) of the Federal Clean Air Act (FCAA), ~~as codified in 42 USC 7401, et seq., 7412(b)(1), which contains a list of pertaining to substances designated as hazardous air pollutants;~~

~~(n)~~ (l) ARM Title 17, chapter 53, subchapter 10, ~~which sets forth the rules, pursuant to section 75-10-405(2)(e) and 75-10-406, MCA, pertaining to boilers or industrial furnaces; pertaining to standards for the management of specific hazardous wastes and specific types of hazardous waste management facilities;~~

~~(o)~~ (m) section 75-10-403(8), MCA, ~~which sets forth pertaining to the statutory definition of "hazardous waste";~~

~~(p)~~ (k) ARM Title 17, chapter 53, subchapter 5, ~~which sets forth~~ pertaining to the rules pertaining to the identification and listing of hazardous waste;

(2) through (4) remain the same.

AUTH: 75-2-111, MCA

IMP: Title 75, chapter 2, MCA

17.8.106 SOURCE TESTING PROTOCOL (1)~~(a)~~ The requirements of this rule apply to any emission source testing conducted by the department, any source, or any other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the ~~Montana~~ Clean Air Act of Montana, 75-2-101, et seq., MCA.

(b) through (e) remain the same, but are renumbered (2) through (5).

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-203, MCA

17.8.110 MALFUNCTIONS (1) remains the same.

(2) The department must be notified promptly by telephone

~~(406-444-3454)~~ whenever a malfunction occurs that is expected to create emissions in excess of any applicable emission limitation, or to continue for a period greater than 4 four hours. If telephone notification is not immediately possible, notification at the beginning of the next working day is acceptable. The notification must include the following information:

(a) through (7) remain the same.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-203, MCA

17.8.302 INCORPORATION BY REFERENCE (1) For the purposes of this subchapter, the board hereby adopts and incorporates ~~herein~~ by reference the following:

~~(a)~~ (d) 40 CFR 81.327, ~~which sets forth~~ pertaining to the air quality attainment status designations for Montana;

~~(b)~~ (a) 40 CFR Part 60, ~~which pertains~~ pertaining to standards of performance for new stationary sources and modifications, including the final rule published at 65 FR 76378 on December 6, 2000, "Emission Guidelines for Existing Small Municipal Waste Combustion Units", to be codified at 40 CFR Part 60, subpart BBBB;

~~(c)~~ (b) 40 CFR Part 61, ~~which pertains~~ pertaining to emission standards for hazardous air pollutants;

~~(d)~~ (e) ARM Title 17, chapter 53, subchapter 5, which sets forth the rules pertaining to the identification and listing of hazardous waste; and

~~(e)~~ (f) The the Standard Industrial Classification Manual, (1987), executive office of the president, ~~o~~Office of ~~m~~Management and ~~b~~Budget, (US government printing office stock number 1987 O-185-718) (PB 87-100012), which sets forth pertaining to a system of industrial classification and definition based upon the composition and structure of the economy; and.

~~(f)~~ (c) 40 CFR Part 63, specifying pertaining to emission standards for hazardous air pollutant source categories including the final rules published at 67 FR 16581 on April 5, 2002, "National Emissions Standards for Hazardous Air Pollutants for Source Categories: General Provisions; and Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j)", to be codified at 40 CFR 63, subparts A and B.;

(2) through (4) remain the same.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-203, MCA

17.8.401 DEFINITIONS ~~For the purposes of~~ In this subchapter, the following definitions apply:

(1) The following apply to the definition of the term "dispersion technique":

(a) ~~"D~~dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by:

(i) through (2)(a) remain the same.

(b) either of the following:

(i) for stacks in existence on January 12, 1979, ~~and~~ for which the owner or operator had obtained all applicable permits or approvals required by this chapter,

GEP = 2.5H

if the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation;

(ii) through (4)(c) remain the same.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-203, MCA

17.8.402 REQUIREMENTS (1) The degree of emission limitation required of any source or stack for control of any air pollutant regulated under the ~~Montana~~ Clean Air Act of Montana ~~must~~ may not be affected by so much of any source's

stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in ARM 17.8.403.

(2) and (3) remain the same.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-203, MCA

17.8.801 DEFINITIONS ~~For the purpose of~~ In this subchapter, the following definitions apply:

(1)~~(a)~~ "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with ~~(b)~~ (1)(a) through ~~(d)~~ (c) below.

(b) through (d) remain the same, but are renumbered (a) through (c).

(2) through (2)(c) remain the same.

(3)~~(a)~~ "Baseline area" means any intrastate area (and every part thereof) designated as attainment or unclassifiable in 40 CFR 81.327 in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than one $\mu\text{g}/\text{m}^3$ (annual average) of the pollutant for which the minor source baseline date is established.

~~(b)~~ (a) Area redesignations under section ~~7407~~ 107 of the FCAA to attainment or unclassifiable cannot intersect or be smaller than the area of impact of any major stationary source or major modification which:

(i) and (ii) remain the same.

~~(c)~~ (b) Any baseline area established originally for the total suspended particulate increments shall remain in effect and shall apply for purposes of determining the amount of available PM-10 increments, except that such baseline area shall not remain in effect if the department rescinds the corresponding minor source baseline date in accordance with (21)(d) ~~of this rule~~.

(4)~~(a)~~ "Baseline concentration" means that ambient concentration level which exists in the baseline area at the time of the applicable minor source baseline date.

(a) A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:

(i) through (5) remain the same.

(6) "Best available control technology (BACT)" means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each pollutant subject to regulation under the FCAA, excluding hazardous air pollutants except to the extent that such hazardous air

pollutants are regulated as constituents of more general pollutants listed in section ~~7408(a)(1)~~ 108(a)(1) of the FCAA, which would be emitted from any proposed major stationary source or major modification which the department, on a case-by-case basis, taking into account energy impacts, environmental impacts (including, but not limited to, the effect of the control technology option on hazardous air pollutants), and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of BACT result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under ARM 17.8.340 and 17.8.341. If the department determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, any design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

(7) through (19) remain the same.

(20)~~(a)~~ "Major modification" means any physical change in, or change in the method of operation of, a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the FCAA, excluding hazardous air pollutants, except to the extent that such hazardous air pollutants are regulated as constituents of more general pollutants listed in section ~~7408(a)(1)~~ 108(a)(1) of the FCAA.

(b) through (c)(ii) remain the same, but are renumbered (a) through (b)(ii).

(iii) use of an alternative fuel by reason of an order or rule under section ~~7425~~ 125 of the FCAA;

(iv) through (vii) remain the same.

(21) The following apply to the definitions of the terms "major source baseline date" and "minor source baseline date":

(a) ~~"M~~amajor source baseline date" means:

(i) through (d) remain the same.

(22) The following apply to the definition of the term "major stationary source":

(a) ~~"M~~amajor stationary source" means:

(i) any of the following stationary sources of air

pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the FCAA, excluding hazardous air pollutants, except to the extent that such hazardous air pollutants are regulated as constituents of more general pollutants listed in section ~~7408(a)(1)~~ 108(a)(1) of the FCAA: fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, Portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;

(ii) notwithstanding the stationary source size specified in (22)(a)(i) ~~above~~, any stationary source which emits, or has the potential to emit, 250 tons per year or more of any air pollutant subject to regulation under the FCAA, excluding hazardous air pollutants, except to the extent that such hazardous air pollutants are regulated as constituents of more general pollutants listed in section ~~7408(a)(1)~~ 108(a)(1) of the FCAA; or

(iii) through (23) remain the same.

(24) The following apply to the definition of the term "net emissions increase":

(a) "~~N~~net emissions increase" means the amount by which the sum of the following exceeds zero:

(i) through (26) remain the same.

(27) The following apply to the definition of the term "significant":

(a) remains the same.

(b) "~~S~~significant" means, in reference to a net emissions increase or the potential of a source to emit a pollutant subject to regulation under the FCAA, that (27)(a) ~~above~~ does not list, any emissions rate. This does not include hazardous air pollutants, except to the extent that such hazardous air pollutants are regulated as constituents of more general pollutants listed in section ~~7408(a)(1)~~ (108)(a)(1) of the FCAA.

(c) Notwithstanding ~~(27)(a) above~~, "significant" means any emissions rate or any net emissions increase associated with a major stationary source or major modification, which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 $\mu\text{g}/\text{m}^3$ (24-hour average).

(28) "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the FCAA, excluding hazardous air pollutants, except to the extent that such hazardous air pollutants are regulated as constituents of more general pollutants listed in section ~~7408(a)(1)~~ 108(a)(1) of the FCAA.

(29) remains the same.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-202, 75-2-203, 75-2-204, MCA

17.8.802 INCORPORATION BY REFERENCE (1) For the purposes of this subchapter, the board hereby adopts and incorporates by reference the following:

(a) 40 CFR 51.102, ~~which sets forth~~ pertaining to requirements for public hearings for state programs;

~~(b)~~ (c) 40 CFR Part 58, Appendix B, ~~which sets forth~~ pertaining to quality assurance requirements for prevention of significant deterioration air monitoring;

~~(c)~~ (d) 40 CFR Part 60, ~~which sets forth~~ pertaining to standards of performance for new stationary sources;

~~(d)~~ (e) 40 CFR Part 61, ~~which sets forth~~ pertaining to emission standards for hazardous air pollutants;

~~(e)~~ (f) 40 CFR 81.327, ~~which sets forth~~ pertaining to the air quality attainment status designations for Montana; and

~~(f)~~ (g) The the Standard Industrial Classification Manual, (1987), executive office of the president, eOffice of mManagement and bBudget, (US government printing office stock number 1987 O-185-718) (PB 87-100012), which sets forth pertaining to a system of industrial classification and definition based upon the composition and structure of the economy+.

~~(g)~~ (b) 40 CFR Part 51, Appendix W, pertaining to the Guidelines on Air Quality Models+;

(2) through (5) remain the same.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-202, 75-2-203, 75-2-204, MCA

17.8.818 REVIEW OF MAJOR STATIONARY SOURCES AND MAJOR

MODIFICATIONS--SOURCE APPLICABILITY AND EXEMPTIONS (1)
remains the same.

(2) The requirements contained in ARM 17.8.819 through 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the FCAA that it would emit, except as this subchapter would otherwise allow. This does not include hazardous air pollutants, except to the extent that such hazardous air pollutants are regulated as constituents of more general pollutants listed in section ~~7408(a)(1)~~ 108(a)(1) of the FCAA, or must be considered in the BACT analysis.

(3) through (3)(c)(xxvi) remain the same.

(xxvii) ~~Any~~ other stationary source category which, as of August 7, 1980, is being regulated under section ~~7411~~ 111 or ~~7412~~ 112 of the FCAA.

(4) and (5) remain the same.

(6) The requirements contained in ARM 17.8.820, 17.8.822, and 17.8.824 as they relate to any maximum allowable increase for a Class II area do not apply to a modification of a major stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each pollutant subject to regulation under the FCAA from the modification after the application of BACT would be less than 50 tons per year. This does not include hazardous air pollutants, except to the extent that such hazardous air pollutants are regulated as constituents of more general pollutants listed in section ~~7408(a)(1)~~ 108(a)(1) of the FCAA.

(7) remains the same.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-202, 75-2-203, 75-2-204, MCA

17.8.819 CONTROL TECHNOLOGY REVIEW (1) and (2) remain the same.

(3) A major modification shall apply BACT for each pollutant subject to regulation under the FCAA for which it would be a significant net emissions increase at the source, excluding hazardous air pollutants, except to the extent that such hazardous air pollutants are regulated as constituents of more general pollutants listed in section ~~7408(a)(1)~~ 108(a)(1) of the FCAA. In evaluating the environmental impacts of any control technology option, the BACT analysis shall consider all pollutants, including hazardous air pollutants. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

(4) remains the same.

AUTH: 75-2-111, 75-2-203, MCA
IMP: 75-2-202, 75-2-203, 75-2-204, MCA

17.8.821 AIR QUALITY MODELS (1) All estimates of ambient concentrations required under this subchapter must be based on the applicable air quality models, data bases, and other requirements specified in the ~~guideline on air quality models (revised) (1986) (EPA publication 450/278-027R) and supplement A (1987)~~ Guideline on Air Quality Models, 40 CFR Part 51, Appendix W.

(2) Where an air quality impact model specified in the ~~guideline on air quality models (revised) (1986) and supplement A (1987)~~ 40 CFR Part 51, Appendix W ~~are~~ is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis for a specific state program. Written approval of the administrator must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures developed in accordance with ARM 17.8.826.

AUTH: 75-2-111, 75-2-203, MCA
IMP: 75-2-202, 75-2-203, 75-2-204, MCA

17.8.901 DEFINITIONS ~~For the purposes of~~ In this subchapter the following definitions apply:

(1)~~(a)~~ "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit as determined in accordance with ~~(b)~~ (1)(a) through ~~(d)~~ (c) below.

(b) remains the same, but is renumbered (a).

~~(c)~~ (b) If the department is unable to determine actual emissions consistent with ~~(b)~~ above (1)(a), the department may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(d) remains the same but is renumbered (c).

(2) through (10) remain the same.

~~(11)~~(a) "Major modification" means any physical change in, or change in the method of, operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the FCAA.

(b) through (c)(ii) remain the same, but are renumbered (a) through (b)(ii).

(iii) use of an alternative fuel by reason of an order or

rule under section ~~7425~~ 125 of the FCAA;

(c)(iv) through (vii) remain the same, but are renumbered (b)(iv) through (vii).

(12) The following apply to the definition of the term "major stationary source":

(a) "Mmajor stationary source" means:

(i) through (b)(xxvi) remain the same.

(xxvii) any other stationary source category which, as of August 7, 1980, is being regulated under sections ~~7411~~ 111 or ~~7412~~ 112 of the FCAA.

(13) remains the same.

(14) The following apply to the definition of the term "net emissions increase":

(a) "Nnet emissions increase" means the amount by which the sum of the following exceeds zero:

(i) through (20) remain the same.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-202, 75-2-203, 75-2-204, MCA

17.8.902 INCORPORATION BY REFERENCE (1) For the purposes of this subchapter, the board hereby adopts and incorporates by reference the following:

~~(a) (c) 40 CFR 81.327, which sets forth~~ pertaining to the air quality attainment status designations for Montana;

~~(b) (a) 40 CFR Part 60, which sets forth~~ pertaining to standards of performance for new stationary sources;

~~(c) (b) 40 CFR Part 61, which sets forth~~ pertaining to emission standards for hazardous air pollutants;

~~(d) (e) subchapter I, part D, subpart IV sections 188 through 190 of the Federal Clean Air Act FCAA, as codified in 42 USC 7401 et seq. 7513 through 7513b, which establishes~~ pertaining to additional requirements for particulate matter in nonattainment areas; and

~~(e) (d) section 173 of the Federal Clean Air Act FCAA, as codified in 42 USC 7401, et seq. 7503, which establishes~~ pertaining to permit requirements for permit programs in nonattainment areas; and

(f) ~~The the Standard Industrial Classification Manual, (1987), executive office of the president, eOffice of mManagement and bBudget, (US government printing office stock number 1987 O-185-718) (PB 87-100012), which sets forth~~ pertaining to a system of industrial classification and definition based upon the composition and structure of the economy.

(2) through (5) remain the same.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-202, 75-2-203, 75-2-204, MCA

17.8.905 ADDITIONAL CONDITIONS OF AIR QUALITY PRECONSTRUCTION PERMIT (1) through (1)(b) remain the same.

(c) The new source obtains from existing sources emission reductions (offsets), expressed in tons per year, which provide both a positive net air quality benefit in the affected area in accordance with ARM ~~17.8.906(6) through (8)~~ 17.8.906(7) through (9), and a ratio of required emission offsets to the proposed source's emissions of 1:1 or greater. The emissions reductions (offsets) required under this subsection must be:

(i) through (4) remain the same.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-202, 75-2-203, 75-2-204, MCA

17.8.1002 INCORPORATION BY REFERENCE (1) For the purposes of this subchapter, the board hereby adopts and incorporates by reference the following:

~~(a) (c)~~ 40 CFR 81.327, which sets forth pertaining to the air quality attainment status designations for Montana;

~~(b) (a)~~ 40 CFR Part 60, which sets forth pertaining to standards of performance for new stationary sources;

~~(c) (b)~~ 40 CFR Part 61, which sets forth pertaining to emission standards for hazardous air pollutants;

~~(d) (e)~~ subchapter I, part D, subpart IV sections 188 through 190 of the Federal Clean Air Act FCAA, as codified in 42 USC 7401, et seq. 7513 through 7513b, which establishes pertaining to additional requirements for particulate matter in nonattainment areas; and

~~(e) (d)~~ section 173 of the Federal Clean Air Act FCAA, as codified in 42 USC 7401, et seq. 7503, which establishes pertaining to permit requirements for permit programs in nonattainment areas; and

(f) ~~The the~~ Standard Industrial Classification Manual, (1987), executive office of the president, eOffice of mManagement and bBudget, (US government printing office stock number 1987 O-185-718) (PB 87-100012), which sets forth pertaining to a system of industrial classification and definition based upon the composition and structure of the economy.

(2) through (5) remain the same.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-202, 75-2-203, 75-2-204, MCA

17.8.1201 DEFINITIONS ~~As used in~~ In this subchapter,

unless indicated otherwise, the following definitions apply:

- (1) through (10)(b) remain the same.
- (c) any ~~standard or other~~ requirement under section ~~7411~~ 111 of the FCAA, ~~including section 7411(d)~~;
- (d) any ~~standard or other~~ requirement under section ~~7412~~ 112 of the FCAA, including any requirement concerning accident prevention under section ~~7412(r)(7)~~, 112(r)(7) but excluding the contents of any risk management plan required under section ~~7412(r)~~ 112(r);
- (e) remains the same.
- (f) any requirements established pursuant to section ~~7661e(b)~~ 504(b) or section ~~7414(a)(3)~~ 114(a)(3) of the FCAA;
- (g) any ~~standard or other~~ requirement governing solid waste incineration, under section ~~7429~~ 129 of the FCAA;
- (h) any ~~standard or other~~ requirement for consumer and commercial products, under section ~~7511b(e)~~ 183(e) of the FCAA;
- (i) any ~~standard or other~~ requirement for tank vessels, under section ~~7511b(f)~~ 183(f) of the FCAA;
- (j) remains the same.
- (k) any national ambient air quality standard, ~~or~~ increment, or visibility requirement under part C of Title I of the FCAA, but only as it would apply to temporary sources permitted pursuant to section ~~7661e(e)~~ 504(e) of the FCAA; or
- (l) through (21) remain the same.
- (22) The following apply to the definition of the term "insignificant emissions unit":
 - (a) "~~I~~insignificant emissions unit" means any activity or emissions unit located within a source that:
 - (i) and (ii) remain the same.
 - (iii) has a potential to emit less than 500 pounds per year of hazardous air pollutants listed pursuant to section ~~7412(b)~~ 112(b) of the FCAA; and
 - (iv) through (23) remain the same.
 - (a) A major source under section ~~7412~~ 112 of the FCAA, which is defined as:
 - (i) for pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year or more of any hazardous air pollutant which has been listed pursuant to section ~~7412(b)~~ 112(b) of the FCAA, 25 tons per year or more of any combination of such hazardous air pollutants, or such lesser quantity as the ~~department~~ board may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station ~~shall~~ are not ~~be~~

aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(ii) through (b)(xxvi) remain the same.

(xxvii) all other stationary source categories regulated by a standard promulgated under sections ~~7411~~ 111 or ~~7412~~ 112 of the FCAA, but only with respect to those air pollutants that have been regulated for that category.

(c) remains the same.

(24) The following apply to the definition of the term "non-federally enforceable requirement":

(a) "~~N~~non-federally enforceable requirement" means, as applicable to emissions units in a source requiring an air quality operating permit, any ~~standard, rule, or other~~ requirement, including any requirement contained in a consent decree, or judicial or administrative order entered into or issued by the department, that is not contained in the Montana state implementation plan approved or promulgated by the administrator through rulemaking under Title I of the FCAA;

(b) remains the same.

(25) through (28)(b) remain the same.

(c) any pollutant that is subject to any standard promulgated under section ~~7411~~ 111 of the FCAA;

(d) remains the same.

(e) any pollutant subject to a ~~standard or other~~ requirement established or promulgated under section ~~7412~~ 112 of the FCAA, including, but not limited to, the following:

(i) any pollutant subject to requirements under section ~~7412(j)~~ 112(j) of the FCAA. If the administrator fails to promulgate a standard by the date established pursuant to section ~~7412(e)~~ 112(e) of the FCAA, any pollutant for which a subject source would be major ~~shall be~~ is considered to be regulated on the date 18 months after the applicable date established pursuant to section ~~7412(e)~~ 112(e) of the FCAA; and

(ii) any pollutant for which the requirements of section ~~7412(g)(2)~~ 112(g)(2) of the FCAA have been met, but only with respect to the individual source subject to the section ~~7412(g)(2)~~ 112(g)(2) requirement.

(29) "Responsible official" means one of the following:

(a) For a corporation:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function; ~~i~~

(ii) ~~or~~ any other person who performs similar policy or decision-making functions for the corporation; ~~i~~ or

(iii) a duly authorized representative of such person if

the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

~~(i)~~ (A) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

~~(ii)~~ (B) the delegation of authority to such representative is approved in advance by the department.

(b) For a partnership or sole proprietorship, a general partner or the proprietor, respectively.

(c) For a municipality, state, federal, or other public agency: ~~either a principal executive officer or~~

(i) a ranking elected official; or

(ii) a principal executive officer. ~~For the purposes of this part, a~~ A principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of the environmental protection agency).

(d) For affected sources, the designated representative ~~in so far as~~ concerning actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated thereunder ~~are concerned~~, and the designated representative for any other purposes under this subchapter.

(30) through (32) remain the same.

(33) "Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under section ~~7412(b)~~ 112(b) of the FCAA.

AUTH: 75-2-217, MCA

IMP: 75-2-217, 75-2-218, MCA

17.8.1202 INCORPORATIONS BY REFERENCE (1) For the purposes of this subchapter, the board hereby adopts and incorporates by reference the following:

~~(a) (g) the Standard Industrial Classification Manual, (1987), executive office of the president, Office of Management and Budget, (US government printing office stock number 1987 O-185-718) (PB 87-100012), which sets forth pertaining to a system of industrial classification and definition based upon the composition and structure of the economy.~~

~~(b) (a) 40 CFR 70.3, which sets forth pertaining to those sources and source categories designated by the administrator as requiring an operating permit pursuant to Title V of the FCAA;~~

~~(c) (f) 42 USC 7429(g), which defines section 129(g) of~~

the FCAA as codified in 42 USC 7429(g), pertaining to the definition of solid waste incineration unit for the purposes of Title V of the FCAA; and

~~(d)~~ (e) ~~42 USC 7429(e), which describes those section 129(e) of the FCAA as codified in 42 USC 7429(e), pertaining to solid waste incineration units that are required to obtain operating permits under Title V of the FCAA;~~

~~(e)~~ (b) ~~40 CFR Part 72, which describes~~ pertaining to the operating permit requirements for acid rain sources subject to Title IV of the FCAA;

~~(f)~~ (c) ~~40 CFR Part 75, which describes~~ pertaining to the continuous emission monitoring requirements for acid rain sources subject to Title IV of the FCAA; and

~~(g)~~ (d) ~~40 CFR Part 76, which describes~~ pertaining to the nitrogen oxides emission reduction requirements for acid rain sources subject to Title IV of the FCAA;

(2) through (5) remain the same.

AUTH: 75-2-217, MCA

IMP: 75-2-217, 75-2-218, MCA

17.8.1204 AIR QUALITY OPERATING PERMIT PROGRAM APPLICABILITY (1) The requirements of this subchapter apply to the following sources:

(a) remains the same.

(b) any source, including an area source, subject to a ~~standard, limitation, or other~~ requirement under section ~~7411~~ 111 of the FCAA;

(c) any source, including an area source, subject to a ~~standard or other~~ requirement under section ~~7412~~ 112 of the FCAA, except that a source is not required to obtain a permit solely because it is subject to ~~regulations or~~ requirements under section ~~7412(r)~~ 112(r) of the FCAA;

(d) remains the same.

(e) any source required to obtain a permit under section ~~7429(e)~~ 129(e) of the FCAA;

(f) through (2)(b) remain the same.

(c) All sources listed in (1) ~~above~~ that are not major or affected sources, or that are solid waste incineration units as defined in section ~~7429(g)~~ 129(g) of the FCAA that are not required to obtain a permit pursuant to section ~~7429(e)~~ 129(g).

(3) through (7) remain the same.

AUTH: 75-2-217, MCA

IMP: 75-2-217, MCA

17.8.1206 INFORMATION REQUIRED FOR AIR QUALITY OPERATING

PERMIT APPLICATIONS (1) through (5)(h) remain the same.

(i) other information related to emissions as required by any applicable requirement (including information related to stack height limitations developed pursuant to section ~~7423~~ 123 of the FCAA) or this chapter (including the location of emission units, flow rate, building dimensions, and stack parameters such as height, diameter, and temperature);

(j) through (p) remain the same.

(q) a certification of compliance with all applicable requirements by a responsible official consistent with ARM 17.8.1207 and section ~~7414(a)(3)~~ 114(a)(3) of the FCAA;

(r) through (11) remain the same.

AUTH: 75-2-217, 75-2-218, MCA

IMP: 75-2-217, 75-2-218, MCA

17.8.1212 REQUIREMENTS FOR AIR QUALITY OPERATING PERMIT CONTENT RELATING TO MONITORING, RECORDKEEPING, AND REPORTING

(1) Each air quality operating permit shall contain the following requirements with respect to monitoring:

(a) All monitoring and analysis procedures or test methods required under the applicable monitoring and testing requirements, including ARM 17.8.1501 through 17.8.1514 and any other procedures and methods that may be promulgated pursuant to sections ~~7661c(b)~~ 504(b) or ~~7414(a)(3)~~ 114(a)(3) of the FCAA. If more than one monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing provisions ~~provided if~~ the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements that are not included in the permit as a result of such streamlining;

(b) through (4) remain the same.

AUTH: 75-2-217, 75-2-218, MCA

IMP: 75-2-217, 75-2-218, MCA

17.8.1213 REQUIREMENTS FOR AIR QUALITY OPERATING PERMIT CONTENT RELATING TO COMPLIANCE (1) through (7)(c)(i) remain the same.

(ii) the identification of the method(s) or other means used by the owner or operator for determining the status of compliance with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means ~~shall~~ include, at a minimum, the methods and means required under ARM 17.8.1212. If necessary, the owner or operator also shall identify any other material information

that must be included in the certification to comply with section ~~7413(e)(2)~~ 113(c)(2) of the FCAA, which prohibits knowingly making a false certification or omitting material information;

(iii) through (d) remain the same.

AUTH: 75-2-217, 75-2-218, MCA

IMP: 75-2-217, 75-2-218, MCA

17.8.1214 REQUIREMENTS FOR AIR QUALITY OPERATING PERMIT CONTENT RELATING TO THE PERMIT SHIELD AND EMERGENCIES

(1) through (3) remain the same.

(4) Nothing in (1), (2) or (3) ~~of this rule~~, or in any air quality operating permit ~~shall alter or~~ affects the following:

(a) the provisions of section ~~7603~~ 303 of the FCAA, including the authority of the administrator under that section;

(b) remains the same.

(c) the applicable requirements of the acid rain program, consistent with section ~~7651g(a)~~ 408(a) of the FCAA;

(d) the ability of the administrator to obtain information from a source pursuant to section ~~7414~~ 114 of the FCAA;

(e) through (8) remain the same.

AUTH: 75-2-217, 75-2-218, MCA

IMP: 75-2-217, 75-2-218, MCA

17.8.1220 AIR QUALITY OPERATING PERMIT ISSUANCE, RENEWAL, REOPENING AND MODIFICATION (1) through (3) remain the same.

(4) Within nine months after receiving a complete application, ~~The the~~ department shall take final action on a an ~~complete~~ air quality operating permit application containing an early reduction demonstration that has been approved by the administrator under section ~~7412(i)(5)~~ 112(i)(5) of the FCAA ~~within 9 months of receiving a complete application.~~

(5) through (13) remain the same.

AUTH: 75-2-217, 75-2-218, MCA

IMP: 75-2-217, 75-2-218, MCA

17.8.1224 ADDITIONAL REQUIREMENTS FOR OPERATIONAL FLEXIBILITY AND AIR QUALITY OPERATING PERMIT CHANGES THAT DO NOT

REQUIRE REVISIONS (1) through (7)(c) remain the same.

(d) any change that is a modification or reconstruction under sections ~~7410~~ 110, ~~7411~~ 111, or ~~7412~~ 112 of the FCAA; or
(e) remains the same.

AUTH: 75-2-217, MCA
IMP: 75-2-217, 75-2-218, MCA

17.8.1226 ADDITIONAL REQUIREMENTS FOR MINOR AIR QUALITY OPERATING PERMIT MODIFICATIONS (1) through (1)(f) remain the same.

(g) do not seek to establish or change a permit term ~~or condition~~ for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms ~~and conditions~~ include a federally enforceable emissions cap assumed to avoid classification as a modification under ~~any provision of~~ Title I of the FCAA, and an alternative emissions limit approved pursuant to regulations promulgated under section ~~7412(i)(5)~~ 112(i)(5) of the FCAA.

(2) through (12) remain the same.

AUTH: 75-2-217, MCA
IMP: 75-2-217, MCA

17.8.1232 PUBLIC PARTICIPATION (1) through (1)(d) remain the same.

(2) The department shall keep a record of both the commenters and the issues raised during the public participation process so that the administrator may fulfill the obligation under section ~~7661d(b)(2)~~ 505(b)(2) of the FCAA to determine whether a citizen petition may be granted, and such records shall be available to the public.

(3) remains the same.

AUTH: 75-2-217, MCA
IMP: 75-2-217, 75-2-218, MCA

REASON: Several of the proposed amendments would revise the numbering of rules to delete the "double earmarks" in the current numbering. This is necessary to conform the numbering of the rules to the current rule numbering style of the Secretary of State's office.

The proposed amendments to ARM 17.8.101 would update federal citations, make minor clerical amendments, and eliminate the duplication of statutory language in definitions by citing to the definitions in the statute.

The proposed amendments to ARM 17.8.102 would adopt

revisions to the federal air quality regulations that are incorporated by reference in the Montana air quality rules. These revisions were published in the Federal Register between July 1, 2001, and June 30, 2002, and are included in the July 1, 2002, edition of the Code of Federal Regulations (CFR). The proposed amendments to ARM 17.8.102 are necessary to update the incorporations by reference in the air quality rules to incorporate the most recent editions of the CFR and the Administrative Rules of Montana. These proposed amendments are necessary to allow the Department of Environmental Quality to follow the most recent editions. Also, incorporation of recent revisions to federal regulations incorporated by reference in the Montana air quality rules is necessary for the State to retain primacy over Montana's air quality program.

The proposed amendments to ARM 17.8.103, 17.8.802, 17.8.902, 17.8.1002 and 17.8.1202 would revise these rules to update citations, make the wording consistent throughout, and change the order of subsections to a more logical sequence.

The proposed amendments to ARM 17.8.106 would correct "double earmarking" and make a minor clerical amendment.

The proposed amendment to ARM 17.8.110 would delete a reference to a department telephone number that is no longer correct. Future changes to the telephone number would not necessitate a rule change if the number is omitted from the rule. Double earmarkings in this section will be proposed for elimination in another rulemaking.

The proposed amendments to ARM 17.8.302 would delete the reference to the specified Federal Register notice for revisions to the general provisions of the national emission standards for hazardous air pollutants (NESHAP) and the development of maximum achievable control technology (MACT) emission limits. The Environmental Protection Agency (EPA) has now codified those standards in the CFR so that the Board's proposed incorporation by reference of the most recent edition of the CFR would include those regulations. The proposed amendments also would update citations and conform the wording to other rules.

The proposed amendments to ARM 17.8.401 would make minor clerical changes and would correct double earmarking.

The proposed amendment to ARM 17.8.402 would make a minor clerical change.

The proposed amendments to ARM 17.8.801 and 17.8.901 would correct double earmarking and update citations.

The proposed amendments to ARM 17.8.818, 17.8.819 and 17.8.821 would update citations.

The proposed amendment to ARM 17.8.905 would correct an internal citation.

The proposed amendments to ARM 17.8.1201 would make minor clerical changes, would correct double earmarking and would update citations.

The proposed amendments to ARM 17.8.1204, 17.8.1206, 17.8.1213, 17.8.1214, 17.8.1220, 17.8.1224, 17.8.1226 and 17.8.1232 would update citations.

The proposed amendments to ARM 17.8.1212 would update citations and correct a typographical error.

The Board will also take testimony on submission of the proposed amendments to EPA as proposed revisions to the State Implementation Plan (SIP).

4. Concerned persons may submit their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to the Board Secretary at Board of Environmental Review, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana, 59620-0901; faxed to (406) 444-4386; or emailed to ber@state.mt.us, no later than 5:00 p.m., February 5, 2003. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

5. Thomas Bowe, attorney for the Board, has been designated to preside over and conduct the hearing.

6. The Board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Such written request may be mailed or delivered to the Board Secretary at Board of Environmental Review, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; emailed to ber@state.mt.us, or may be made by completing a request form at any rules hearing held by the Board.

7. The bill sponsor notice requirements of 2-4-302, MCA,
MAR Notice No. 17-186

24-12/26/02

do not apply.

BOARD OF ENVIRONMENTAL REVIEW

BY: Joseph W. Russell
JOSEPH W. RUSSELL, M.P.H.,
Chairman

Reviewed by:

David Rusoff
David Rusoff, Rule Reviewer

Certified to the Secretary of State December 16, 2002.